

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE GREAT ATLANTIC & PACIFIC TEA
COMPANY, INC.,

Plaintiff,

-against-

380 YORKTOWN FOOD CORPORATION,
JOSEPH FRIEDMAN, COUNTRY MARKETS
OF WESTCHESTER LTD., 344 FOOD CORP.,
6040 F.P. FOOD LLC, JESTAM GLOBAL LTD.,
JESTAM INTERNATIONAL LTD., JESTAM
REALTY, LLC, and 71-76 YELLOWSTONE, LLC,
Defendants.

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DATE FILED: 8/3/2020

16 **CIVIL** 5250 (NSR)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Amended Opinion & Order dated July 31, 2020, Plaintiff's motion for summary judgment is GRANTED in part and DENIED in part and Defendants' motion for summary judgment is GRANTED in part and DENIED in part. Plaintiff's summary judgment is granted on its claim that certain loan, loan repayments and distributions from Defendant 380 Yorktown Corporation to Defendant Joseph Friedman should be set aside as constructively fraudulent conveyances under New York Debtor and Creditor Law § 273-a. Accordingly, Plaintiff is entitled to a final judgment against Defendant 380 Yorktown Corporation in the amount of \$660,540.40 plus post-judgment interest, representing the (1) \$412,861.00 in avoidable conveyances from Defendant 380 Yorktown Corporation to Defendant Joseph Friedman, and (2) \$247,679.40 of prejudgment interest in the amount of 9% per annum, as set by New York Civil Practice Law and Rules § 5004, from December 2, 2013, the date of the underlying state-court judgment. The Court denies Plaintiff's motion for summary judgment on its remaining claims. Defendants are granted summary judgment dismissing Plaintiff's claims

against Defendants Jestam Global Ltd. and Jestam Realty, LLC. Thus, as previously articulated in the Court's original Opinion & Order, dated May 4, 2020, Defendants Jestam Global Ltd. and Jestam Realty, LLC are terminated from this case. The Court otherwise denies Defendants' motion for summary judgment dismissing the action. Pursuant to the Order to Show Cause issued by the Court on July 2, 2020, and for the reasons articulated by Plaintiff in its moving papers and at oral argument, Plaintiff's request for pre-judgment restraints under Federal Rule of Civil Procedure 64 and New York Civil Practice Law and Rules § 5229 are granted. Defendants are restrained from making or suffering any sale, assignment, transfer, or interference with any property in which they have an interest, with the same effect as if a restraining notice had been served on Defendants. Although there are claims that have yet to be resolved in this case, as it relates to the judgment of \$660,540.40, the matter will proceed to discovery in aid of execution of the judgment. Pursuant to Rule 54(h) of the Federal Rules of Civil Procedure, final judgment is entered in favor of Plaintiff in the amount of \$660,540.40.

Dated: New York, New York
August 3, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

R. Mango
Deputy Clerk